

REMARKS

This Amendment is being filed in response to the Office Action mailed March 16, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3-4, 6-8, 11-12 and 14-24 remain in this application, where claim 13 has been canceled without prejudice and claims 21-24 have been added by the present amendment. Claims 1 and 4 are independent.

In the Office Action, claims 1, 3-4, 6-8, 11-15 and 19-20 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,406,801 (Tokito) in view of U.S. Patent No. 6,888,305 (Weaver) and U.S. Patent No. 5,337,191 (Austin). Claims 16 and 17 are rejected under 35 U.S.C. §103(a) over Tokito, Weaver and Austin in view of U.S. Patent Publication No. 2001/0044035 (Morii) and U.S. Patent Publication No. 2001/0017517 (Yamazaki). Further, claim 18 is rejected under 35 U.S.C. §103(a) over Tokito, Weaver, Austin and

U.S. Patent No. 6,278,237 (Campos). Applicants respectfully traverse and submit that claims 1, 3-4, 6-8, 11-12 and 14-24, as amended, are patentable over Tokito, Weaver, Austin, Morii, Yamazaki and Campos for at least the following reasons.

On page 3 of the Office Action, the Examiner correctly noted that Tokito fails to disclose or suggest any particular characteristics related to color transmission. Weaver is cited in an attempt to remedy the deficiencies in Tokito.

In particular, on page 8 of the Office Action, in rejecting claim 13, column 3, lines 3-12 of Weaver is cited to allegedly show that the $2n+1$ transparent dielectric layers are configured to generate light having transmission peaks that lie in wavelength ranges of red, green and blue colors. Assuming, arguendo, that column 3, lines 3-12 of Weaver discloses such features, it is still respectfully submitted that Tokito, Weaver, and combination thereof, do not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claim 4 which, amongst other patentable elements recites (illustrative emphasis provided):

wherein the $2n+1$ transparent dielectric layers comprise seven layers including four layers having the high refractive index and three layers having the low refractive index to generate light having three transmission peaks that lie in wavelength ranges of red, green and blue colors, and wherein the four layers have an increasing layer thickness starting from a first layer bordering on the cathode electrode.

These particular features of the dielectric layers are nowhere disclosed or suggested in Tokito and Weaver, alone or in combination. Austin, Morii, Yamazaki and Campos are cited to allegedly show other features and do not remedy the deficiencies in Tokito and Weaver.

Based on the foregoing, it is respectfully submitted that independent claims 1 and 4 are patentable over Tokito, Austin, Weaver, Morii, Yamazaki, Campos and combinations thereof, and notice to this effect is earnestly solicited. Claims 3, 6-8, 11-12 and 14-24 respectively depend from one of claims 1 and 4 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or

averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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